

Appl. No. 10/574152
Amdt. Dated June 19, 2008
Reply to Office action of March 24, 2008

REMARKS

Applicants thank the Examiner for acknowledging receipt of foreign priority document, Japanese Application No. JP2003-344971, that has been submitted pursuant to 35 U.S.C. § 119 and/or PCT Rule 17.2(a).

New claims 7 - 18 have been added in order to alternately define the invention as disclosed in the specification.

Applicants respectfully request reconsideration of the Examiner's rejection of claims 1 - 6 under 35 U.S.C. §102(b). The Examiner has rejected these claims in view of the cited reference of *Eguchi et al.* (JP 2002-240287). The *Eguchi* reference is directed to making an impact position of an ejected ink drop in a line head of a thermal ink jet printer unnoticeable.

Applicants note that the Court of Appeals for the Federal Circuit has held that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants submit that the *Eguchi* reference fails to anticipate each and every element of the currently claimed invention.

Regarding claims 1 and 4, Applicants submit that the *Eguchi* reference fails to disclose a control circuit for varying a current value of one of a plurality of pressure generating elements relative to another of the plurality of pressure generating elements in order to ensure that a current substantially equal to or $\pm 10\%$ from a non-zero reference current is applied to pressure generating elements other than the reference element. Regarding claims 2 and 5, Applicants submit that for the same reasons, *Eguchi* fails to disclose ensuring a difference of less than $\pm 8\%$.

Applicants submit that, at least for the reasons noted above, the *Eguchi* reference fails to disclose each and every limitation of the claims.

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The Examiner's remaining references cited but not relied upon, considered either alone or in combination, also fail to teach applicant's currently claimed invention. In light of the foregoing, Applicants respectfully submit that all claims now stand in condition for allowance.

In the event that it is deemed necessary, the Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891.

Respectfully submitted,

Date:

6/19/08


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